

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL TRAYNOR,

Plaintiff,

v.

COLORADO CASUALTY INSURANCE
COMPANY, et al.,

Defendants.

Case No. 2:16-cv-00251-JCM-PAL

ORDER

(Mot. Strike – ECF No. 39)
(Mot for Hearing – ECF No. 40)

Before the court is Defendant United Financial Casualty Company dba Progressive Insurance Company's Motion to Strike (in Part) Dr. Gross's Neurosurgical Supplemental Report Medical Life Care Plan – Dated January 17, 2017 (ECF No. 39), and Motion for Hearing Date of February 7, 2017, 9:00 a.m. (ECF No. 40). Both motions were filed January 30, 2017.

The court conducted a hearing on February 7, 2017, on Defendant United Financial Casualty Company's Motions to Strike (ECF Nos. 30, 31). The third motion to strike is related to the first two and counsel requested that all three motions be heard at the same time, before the deadline for filing a response to the third motion expired. At the hearing the court granted the fully briefed motions to strike finding that the supplemental expert report of Dr. Gross and supplemental designation of Dr. Clauretie as an expert were filed months after the deadline for disclosing expert reports and were therefore untimely, and that Plaintiff had not shown that the late disclosures were substantially justified or harmless. The third motion to strike involves yet another untimely expert disclosure from Dr. Gross dated January 17, 2017, more than 4 months after the deadline for disclosing expert reports.

The court has more than 100 pending motions in more than 600 cases on the docket, and lacks the time or resources to drop everything to order expedited briefing and be prepared for yet

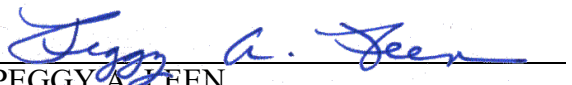
1 another motion within a week of filing while other litigants are waiting for decisions on their
2 motions.

3 Having reviewed and considered the matter,

4 **IT IS ORDERED** that:

- 5 1. Plaintiff shall have until **February 14, 2017** to file a response to Defendant United
6 Financial Casualty Company dba Progressive Insurance Company's Motion to Strike
7 (in Part) Dr. Gross's Neurosurgical Supplemental Report Medical Life Care Plan (ECF
8 No. 39)
- 9 2. United Financial Casualty Company's Motion for Hearing Date of February 7, 2017,
10 9:00 a.m. (ECF No. 40) is **DENIED**. The court will decide the motion on the parties'
11 papers without a further hearing.

12 DATED this 8th day of February, 2017.

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15 PEGGY A. LEEN
16 UNITED STATES MAGISTRATE JUDGE
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